

BOARDS AND COMMISSIONS
Board of Chiropractic Examiners
(Amendment)

201 KAR 21:100. Minimum standards for recordkeeping or itemized statements.

RELATES TO: KRS 312.019(9)(j)

STATUTORY AUTHORITY: KRS 312.019

NECESSITY, FUNCTION, AND CONFORMITY: KRS 312.019(9)(j) authorizes the board to promulgate administrative regulations to establish minimum standards for recordkeeping and issuance of itemized statements. This administrative regulation establishes standards for recordkeeping and issuance of itemized statements.

Section 1. Office Visits; Recordkeeping. (1) The patient's records shall include the initial history, exams, re-exams [~~reexams~~], diagnosis, update diagnosis, standing orders or plan of care (updated as needed or at re-exam [~~reexam~~]), and appropriate diagnostic and imaging studies. This information shall be legibly recorded in the patient's records and properly identified.

(2) Legible documentation, whether electronically generated, computer generated, typewritten, or hand written, shall record each visit, and shall include:

(a) Date of the visit;

(b) Patient name, symptoms and findings, comment and interval history, if any;

(c) Procedures performed, if any;

(d) Additional pertinent comments, instructions, or orders; [~~and~~]

(e) The treating doctor's name; and

(f) The name and relationship to the patient of any other person present during any portion of the examination.

Section 2. Requests for Records[~~Itemized Statements~~]. Requests for office records, or itemized statements, including dates, services and fees, shall be honored within ten (10) business days of receipt of the request.

Section 3. Record Maintenance. All patient records shall be maintained for a minimum of seven (7) years.

DR. JEFFREY SMITH, Chair

APPROVED BY AGENCY: June 10, 2021

FILED WITH LRC: June 10, 2021 at noon.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held at 12:00 p.m. on August 31, 2021, at 500 Mero Street, 127CW, Frankfort, Kentucky 40601. All attendees shall comply with all Executive Orders relating to the State of Emergency as may be in effect on the date of the public hearing, which may be found at: <https://governor.ky.gov/covid-19>. Members of the public may utilize the following link to attend the meeting by video conference: Join from PC, Mac, Linux, iOS or Android: <https://us02web.zoom.us/j/81055276158?pwd=SDB0ZHFETkhVS1kyc3M5Y0d3V0xnUT09>, Password: 518102, Or Telephone: Dial: USA 713 353 0212, USA 8888227517 (US Toll Free), Conference code: 257130. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity

to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 p.m. on August 31, 2021. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

CONTACT PERSON: August L. Pozgay, Attorney for the Board of Chiropractic Examiners, 500 Mero Street, 218NC, Frankfort, Kentucky 40601, phone (502) 782-0714, fax (502) 564-4818, email august.pozgay@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: August L. Pozgay

(1) Provide a brief summary of:

(a) What this administrative regulation does: KRS 312.019(9) authorizes the Kentucky Board of Chiropractic Examiners to promulgate administrative regulations consistent with KRS Chapter 312, regulating the practice of chiropractic. This administrative regulation establishes procedures for record keeping.

(b) The necessity of this administrative regulation: This administrative regulation is required by KRS 312.019.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 312.019(9) authorizes the Kentucky Board of Chiropractic Examiners to promulgate administrative regulations consistent with KRS Chapter 312, regulating the practice of chiropractic. This administrative regulation establishes procedures for record keeping.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation assists the licensee by setting forth the requirements for how records are to be kept.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The Amendment clarifies which records must be kept and the deadline for production of those records if request.

(b) The necessity of the amendment to this administrative regulation: The amendment is necessary to update procedures for record keeping and includes office records in the ten-day deadline for production.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 312.019(9) authorizes the Kentucky Board of Chiropractic Examiners to promulgate administrative regulations consistent with KRS Chapter 312, regulating the practice of chiropractic. This administrative regulation establishes procedures for record keeping and includes office records in the ten-day deadline for production.

(d) How the amendment will assist in the effective administration of the statutes: This regulation assists in the effective administration of KRS Chapter 312 by clarifying which records must be kept and the deadline for the production of those records if requested.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation will affect 1,120 licensed chiropractors practicing in the Commonwealth of Kentucky, as well as an unknown number of their patients who may want copies of their office records.

(4) Provide an analysis of how the entities identified in the previous question will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions each of the regulated entities have to take to comply with this regulation or amendment: The only action of the regulated entities is to ensure that their records are complete and can be provided upon request.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities: This regulation should add no additional cost to the licensed chiropractor.

(c) As a result of compliance, what benefits will accrue to the entities: The required records will be available for production as required by statute.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There is not cost to the administrative body.

(b) On a continuing basis: There is not cost to the administrative body.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The Kentucky Board of Chiropractic Examiners is self-funded through the fees paid by licensees. No additional funding is necessary for the implementation and enforcement of this administrative regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increases in fees or funding is necessary to implement the amendment to this administrative regulation.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: No increases in fees or funding is necessary to implement this administrative regulation.

(9) TIERING: Is tiering applied? Tiering is not applied because similarly situated licensees are treated similarly under this administrative regulation.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Kentucky Board of Chiropractic Examiners.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS Chapter 312.

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This regulation will not generate revenue for state or local government.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This regulation will not generate revenue for state or local government.

(c) How much will it cost to administer this program for the first year? There will be no additional cost to the agency.

(d) How much will it cost to administer this program for subsequent years? There will be no additional cost to the agency.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): Neutral

Expenditures (+/-): Neutral

Other Explanation: None